



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,158	03/05/2002	Evan F. Wies	IMM062C	1658

34300 7590 07/17/2003

KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM, NC 27101

EXAMINER

GECKIL, MEHMET B

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 07/17/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

Office Action Summary

Application No.

10/092,158

Applicant(s)

WIES ET AL.

Examiner

Mehmet B. Geckil

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 57-78 are presented for examination.
2. The CD-ROM submitted to the Office on 6/19/03 includes only some of the US Patents and does not have copies of the other references or foreign references. Examiner will consider them if applicant provides copies of these references.
3. Examiner is unable to find support for the claimed "spatially designating an area..." in claims 57, 70, and 77 in the specifications of the parent 09/153,784 (now U.S. Patent No: 6,101,530) and grandparent 08/691,852 (now U.S. Patent 5,956,484). Apparently, the benefit of the filing date of the prior parent applications cannot be established because of the lack of support for this claimed language in the specifications of these parents. It is requested that applicant in the response to this office action should point out by page and line number for the support for this claim language in the specifications of these parents and also in this application.

Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.
4. The specification includes computer program listings of greater than 300 lines as an Appendix. Computer program listings over 300 lines must be submitted on Compact Disc (see 37 CFR 1.96 (c). Applicant also must comply with other requirements regarding the compact disc requirements (see 37 CFR 1.52 (e), 1.58 and 1.82).

5. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention and failing to adequately teach how to make and use the invention, i.e. failing to provide an enabling disclosure.

Applicant did not teach the details of how displayed graphical designation spatially designating an area of the image as claimed in claims 57, 70, and 77. It would take undue experimentation for one of ordinary skill in the art to determine the details of this feature as claimed.

The examiner contends that it would require undue experimentation for one of ordinary skill in the networking art to make and use the claimed invention for the reasons set forth hereinabove. Applicant is reminded that no new matter is allowed in the amendment to the specification under 35 U.S.C. 132 and 37 CFR 1.118(a).

6. Claims 57-78 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 57-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al.

10. Stewart et al (5,973,678) taught the invention substantially as claimed including a method for defining force sensation for haptic feedback interface device, the method comprising:

- a) causing an image or object to be displayed on a display device, the display device coupled to a computer (col 3, line 1 et seq); and
- b) receiving input from a user (col 3, line 28 et seq), the input providing a displayed graphical designation on the image, the displayed graphical designation positioning an area of the image, the area to be associated with at least one force effect selected by the user (col 5, line 15 et seq), the at least one selected force effect to be output as a force sensation by the haptic feedback interface device (col 4, line 14 et seq, and col 5, line 24 et seq), the haptic feedback interface device including a user manipulatable

Art Unit: 2142

object graspable and moveable by a user of the haptic feedback interface device (col 3, line 1 et seq.)

11. It would have been obvious to one of ordinary skill in the haptic interfacing art at the time of the invention that the claimed invention differed from the teachings of Stewart et al only by a degree, e.g., in the claimed spatial designation but even though Stewart et al did not use the word spatial designation in their teaching they actually taught three dimensional Cartesian space, (see col 1, line 20 et seq), moreover, they taught designating or defining a gravitational sphere around each of a plurality of input parameters (see col 1, line 60 et seq) wherein spatial designation also involves three dimensional volume and therefore only differs by a degree. Other claimed elements are all obvious variations of the well known features of the haptic interface and networking art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Mark Powell, can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 746-7238 (for AFTER FINAL communications);

Or:

(703) 746-7239 (BEFORE FINAL Official communications intended for entry)

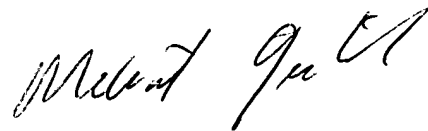
Or:

(703) 746-7240 (for status inquiry or informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

7/1103

**MEHMET B. GECKIL
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Mehmet B. Geckil", with a stylized flourish at the end.